

IC 9-22

ARTICLE 22. ABANDONED, SALVAGED, AND SCRAP VEHICLES

IC 9-22-1

Chapter 1. Abandoned Vehicles

IC 9-22-1-0.3

Placement of notice tags for abandoned vehicles; required information on notice tag; towing service recovery of costs

Sec. 0.3. (a) This section applies to an abandoned vehicle:

- (1) that was towed by a towing service from private property before May 2, 2001;
- (2) that is in possession of a towing service company on May 2, 2001;
- (3) that could have been removed from private property under sections 15 and 16 of this chapter, both as amended by P.L.108-2001, if P.L.108-2001 were in effect at the time that the towing service removed the abandoned vehicle from the private property; and
- (4) for which the towing service has not received payment for the towing charges accruing from removal of the vehicle from private property.

(b) The towing service may post the notice tag required by section 15 of this chapter, as amended by P.L.108-2001, on a picture of the abandoned vehicle and place the notice tag and picture in a prominent place on the private property from which the abandoned vehicle was towed for the time required by section 15 of this chapter, as amended by P.L.108-2001. The name and address on the notice tag may be the name and address of the owner of the private property or the name and address of the towing service. The notice tag must state the address where the vehicle is located. Compliance with this subsection shall be treated as compliance with section 15 of this chapter, as amended by P.L.108-2001.

(c) A towing service may recover costs incidental to the removal and storage of an abandoned vehicle that accrued before May 2, 2001, to the same extent as if the costs were accrued after May 2, 2001.

As added by P.L.220-2011, SEC.218.

IC 9-22-1-1

Application of chapter

Sec. 1. This chapter does not apply to the following:

- (1) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways.
- (2) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.
- (3) A vehicle located on a vehicle sale lot.
- (4) A vehicle located upon property licensed or zoned as an automobile scrapyard.

(5) A vehicle registered and licensed under IC 9-18-12 as an antique vehicle.

(6) A golf cart.

(7) An off-road vehicle.

As added by P.L.2-1991, SEC.10. Amended by P.L.108-2001, SEC.2; P.L.150-2009, SEC.15; P.L.259-2013, SEC.19.

IC 9-22-1-2

Officer defined

Sec. 2. As used in this chapter, "officer" means the following:

(1) A regular member of the state police department.

(2) A regular member of a city or town police department.

(3) A town marshal or town marshal deputy.

(4) A regular member of the county police force.

(5) An individual of an agency designated by ordinance of the fiscal body.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-3

Public agency defined

Sec. 3. As used in this chapter, "public agency" means a local agency given the responsibility by statute or ordinance for the removal, storage, and disposal of abandoned vehicles.

As added by P.L.2-1991, SEC.10. Amended by P.L.191-2007, SEC.6.

IC 9-22-1-3.5

Storage yard defined

Sec. 3.5. As used in this chapter, "storage yard" means a storage facility or a towing service used for the removal and storage of abandoned vehicles or parts.

As added by P.L.104-2005, SEC.2.

IC 9-22-1-4

Responsibility and liability of owner of abandoned vehicle or parts; limitation of costs for storage

Sec. 4. (a) Except as provided in subsection (c), the owner of an abandoned vehicle or parts is:

(1) responsible for the abandonment; and

(2) liable for all of the costs incidental to the removal, storage, and disposal;

of the vehicle or the parts under this chapter.

(b) The costs for storage of an abandoned vehicle may not exceed one thousand five hundred dollars (\$1,500).

(c) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, the person who previously owned the vehicle is not responsible for storage fees.

(d) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, and proceeds from the sale of the vehicle covered the removal, towing, and storage expenses, any remaining proceeds from the sale of the vehicle shall be returned to the previous

owner of the vehicle if the previous owner is known.
*As added by P.L.2-1991, SEC.10. Amended by P.L.104-2005, SEC.3;
P.L.191-2007, SEC.7; P.L.125-2012, SEC.113.*

IC 9-22-1-5

Discovery of possession by person other than vehicle owner

Sec. 5. When an officer discovers a vehicle in the possession of a person other than the owner of the vehicle and the person cannot establish the right to possession of the vehicle, the vehicle shall be taken to and stored in a suitable place determined by the officer.

As added by P.L.2-1991, SEC.10. Amended by P.L.125-2012, SEC.114; P.L.262-2013, SEC.104.

IC 9-22-1-6

Repealed

(Repealed by P.L.125-2012, SEC.115.)

IC 9-22-1-7

Inability to determine ownership; declaring vehicle abandoned

Sec. 7. If:

(1) the owner or lienholder under section 8 of this chapter does not appear and pay all costs; or

(2) the owner of a vehicle cannot be determined by a search conducted under section 19 of this chapter;

the vehicle is considered abandoned and must be disposed of under this chapter.

As added by P.L.2-1991, SEC.10. Amended by P.L.191-2007, SEC.9; P.L.125-2012, SEC.116.

IC 9-22-1-8

Release to owner or lienholder of stored vehicle; required notification

Sec. 8. If the properly identified person who owns or holds a lien on a vehicle appears at the site of storage before disposal of the vehicle or parts and pays all costs incurred against the vehicle or parts at that time, the vehicle or parts shall be released. A towing service shall notify the appropriate public agency of all releases under this section. The notification must include the name, signature, and address of the person that owns or holds a lien on the vehicle, a description of the vehicle or parts, costs, and the date of release.

As added by P.L.2-1991, SEC.10. Amended by P.L.125-2012, SEC.117.

IC 9-22-1-9

Repealed

(Repealed by P.L.125-2012, SEC.118.)

IC 9-22-1-10

Repealed

(Repealed by P.L.191-2007, SEC.21.)

IC 9-22-1-11

Tagging abandoned vehicle or parts

Sec. 11. An officer who finds or is notified of a vehicle or parts believed to be abandoned shall attach in a prominent place a notice tag containing the following information:

- (1) The date, time, officer's name, public agency, and address and telephone number to contact for information.
- (2) That the vehicle or parts are considered abandoned.
- (3) That the vehicle or parts will be removed after:
 - (A) twenty-four (24) hours, if the vehicle is located on or within the right-of-way of an interstate highway or any highway that is designated as part of the state highway system under IC 8-23-4; or
 - (B) seventy-two (72) hours, for any other vehicle.
- (4) That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle.
- (5) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within:
 - (A) twenty-four (24) hours, if the vehicle is located on or within the right-of-way of an interstate highway or any highway that is designated as part of the state highway system under IC 8-23-4; or
 - (B) seventy-two (72) hours, for any other vehicle.

As added by P.L.2-1991, SEC.10. Amended by P.L.66-1992, SEC.5; P.L.131-2008, SEC.47; P.L.54-2009, SEC.6.

IC 9-22-1-12

Officer's abandoned vehicle report; photographs

Sec. 12. If a vehicle or a part tagged under section 11 of this chapter is not removed within the applicable period, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition and missing parts. Photographs may be taken to describe the condition of the vehicle or parts.

As added by P.L.2-1991, SEC.10. Amended by P.L.131-2008, SEC.48; P.L.125-2012, SEC.119.

IC 9-22-1-13

Disposal of vehicle or parts; retention of records and photographs by bureau

Sec. 13. (a) If the vehicle is a junk vehicle and the market value of an abandoned vehicle or parts is less than:

- (1) one thousand dollars (\$1,000); or
- (2) in a municipality that has adopted an ordinance under subsection (b), the amount established by the ordinance;

the towing service shall immediately transfer the vehicle to a storage yard. A copy of the abandoned vehicle report and photographs, if applicable, relating to the abandoned vehicle shall be provided to the

storage yard. A towing service or storage yard may dispose of an abandoned vehicle not less than thirty (30) days after the date on which the towing service removed the abandoned vehicle. A city, county, or town that operates a storage yard under IC 36-9-30-3 may dispose of an abandoned vehicle to an automobile scrapyards or an automotive salvage recycler upon removal of the abandoned vehicle. The public agency or storage yard disposing of the vehicle shall retain the original records and photographs for at least two (2) years. If the vehicle is demolished, a copy of the abandoned vehicle report shall be forwarded to the bureau by the automobile scrap yard after the vehicle has been demolished.

(b) The legislative body of a municipality (as defined in IC 36-1-2-11) may adopt an ordinance that establishes the market value below which an officer may dispose of a vehicle or parts under subsection (a). However, the market value established by the ordinance may not be more than seven hundred fifty dollars (\$750).

(c) When the bureau receives the report described in subsection (a), the bureau shall note the status of the vehicle in the records of the bureau.

As added by P.L.2-1991, SEC.10. Amended by P.L.92-1997, SEC.2; P.L.104-2005, SEC.4; P.L.191-2007, SEC.11; P.L.125-2012, SEC.120.

IC 9-22-1-14

Duties of tagging officer; towing and storage of vehicle or parts

Sec. 14. (a) If in the opinion of the officer the market value of the abandoned vehicle or parts is at least:

- (1) one thousand dollars (\$1,000); or
- (2) in a municipality that has adopted an ordinance under section 13(b) of this chapter, the amount established by the ordinance;

the officer, before placing a notice tag on the vehicle or parts, shall make a reasonable effort to ascertain the person who owns the vehicle or parts or who may be in control of the vehicle or parts.

(b) After seventy-two (72) hours, the officer shall require the vehicle or parts to be towed to a storage yard or towing service.

As added by P.L.2-1991, SEC.10. Amended by P.L.92-1997, SEC.3; P.L.104-2005, SEC.5; P.L.125-2012, SEC.121.

IC 9-22-1-15

Discovery of vehicle abandoned on private property

Sec. 15. (a) A person who finds a vehicle believed to be abandoned on private property that the person owns or controls, including rental property, may:

- (1) obtain the assistance of an officer under section 18 of this chapter to have the vehicle removed; or
- (2) personally arrange for the removal of the vehicle by complying with subsection (b) and section 16 of this chapter.

(b) If the person wishes to personally arrange for the removal of the vehicle, the person shall attach in a prominent place a notice tag

containing the following information:

- (1) The date, time, name, and address of the person who owns or controls the private property and a telephone number to contact for information.
- (2) That the vehicle is considered abandoned.
- (3) That the vehicle will be removed after twenty-four (24) hours.
- (4) That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle.
- (5) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within twenty-four (24) hours.

As added by P.L.2-1991, SEC.10. Amended by P.L.130-1995, SEC.1; P.L.108-2001, SEC.3; P.L.54-2009, SEC.7.

IC 9-22-1-16

Towing vehicle from private property

Sec. 16. (a) If after twenty-four (24) hours the person who owns a vehicle believed to be abandoned on private property has not removed the vehicle from the private property, the person who owns or controls the private property on which the vehicle is believed to be abandoned may have the vehicle towed from the private property.

(b) Notwithstanding subsection (a), in an emergency situation a vehicle believed to be abandoned on private property may be removed immediately. As used in this subsection, "emergency situation" means that the presence of the vehicle believed to be abandoned interferes physically with the conduct of normal business operations of the person who owns or controls the private property or poses a threat to the safety or security of persons or property, or both.
As added by P.L.2-1991, SEC.10. Amended by P.L.130-1995, SEC.2; P.L.108-2001, SEC.4; P.L.104-2005, SEC.6; P.L.191-2007, SEC.12; P.L.54-2009, SEC.8; P.L.262-2013, SEC.105.

IC 9-22-1-17

Notice to bureau given by service towing vehicle from rental property

Sec. 17. A towing service that tows a vehicle under section 16 of this chapter shall give notice to the public agency that the abandoned vehicle is in the possession of the towing service.

As added by P.L.2-1991, SEC.10. Amended by P.L.191-2007, SEC.13; P.L.125-2012, SEC.122.

IC 9-22-1-18

Complaint by person owning or controlling private property

Sec. 18. Upon complaint of a person who owns or controls private property that a vehicle has been left on the property for at least forty-eight (48) hours without the consent of the person who owns or controls the property, an officer shall follow the procedures set forth in sections 11 through 14 of this chapter.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-19

National data base search; notification; storage costs

Sec. 19. (a) Within seventy-two (72) hours after removal of a vehicle to a storage yard or towing service under section 13, 14, or 16 of this chapter, the public agency or towing service shall conduct a search of national data bases, including a data base of vehicle identification numbers, to attempt to obtain the last state of record of the vehicle in order to attempt to ascertain the name and address of the person who owns or holds a lien on the vehicle.

(b) A public agency or towing service that obtains the name and address of the owner of or lienholder on a vehicle shall, not later than seventy-two (72) hours after obtaining the name and address, notify the person who owns or holds a lien on the vehicle of the:

- (1) name;
- (2) address; and
- (3) telephone number;

of the public agency or towing service. The notice must be made by certified mail or a certificate of mailing or by means of an electronic service approved by the bureau. Notwithstanding section 4 of this chapter, a public agency or towing service that fails to notify the owner of or lienholder on the vehicle as set forth in this subsection may not collect additional storage costs incurred after the date of receipt of the name and address obtained.

As added by P.L.2-1991, SEC.10. Amended by P.L.66-1992, SEC.6; P.L.78-2003, SEC.1; P.L.104-2005, SEC.7; P.L.191-2007, SEC.14; P.L.125-2012, SEC.123; P.L.62-2014, SEC.2.

IC 9-22-1-20

Repealed

(Repealed by P.L.191-2007, SEC.21.)

IC 9-22-1-21

Means of vehicle identification not available; disposal without notice

Sec. 21. If a vehicle or parts are in such a condition that vehicle identification numbers or other means of identification are not available to determine the person who owns or holds a lien on the vehicle, the vehicle may be disposed of without notice.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-21.5

Liens on vehicles for towing services

Sec. 21.5. An individual, a firm, a partnership, a limited liability company, or a corporation that provides towing services for a motor vehicle, trailer, semitrailer, or recreational vehicle:

- (1) at the request of the person that owns the motor vehicle, trailer, semitrailer, or recreational vehicle;
- (2) at the request of an individual, a firm, a partnership, a limited liability company, or a corporation on whose property an abandoned motor vehicle, trailer, semitrailer, or recreational

vehicle is located; or
(3) in accordance with this chapter;
has a lien on the vehicle for the reasonable value of the charges for the towing services and other related costs in accordance with IC 9-22-6. An individual, a firm, a partnership, a limited liability company, or a corporation that obtains a lien for an abandoned vehicle under this section must comply with sections 16, 17, and 19 of this chapter and IC 9-22-6.
As added by P.L.125-2012, SEC.124. Amended by P.L.262-2013, SEC.106.

IC 9-22-1-22

Repealed

(Repealed by P.L.191-2007, SEC.21.)

IC 9-22-1-23

Public sale by city, town, or county; notice

Sec. 23. (a) This section applies to a city, town, or county.

(b) Except as provided in subsection (c), if the person who owns or holds a lien upon a vehicle does not appear within twenty (20) days after the mailing of a notice or the notification made by electronic service under section 19 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The twenty (20) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

(c) This subsection applies to a consolidated city or county containing a consolidated city. If the person who owns or holds a lien upon a vehicle does not appear within fifteen (15) days after the mailing of a notice or the notification made by electronic service under section 19 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The fifteen (15) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

As added by P.L.2-1991, SEC.10. Amended by P.L.92-1997, SEC.6; P.L.191-2007, SEC.15; P.L.125-2012, SEC.125.

IC 9-22-1-24

Purchasers at public sales; bill of sale; fees; roadworthiness of

vehicle

Sec. 24. A person who purchases a vehicle under section 23 of this chapter shall be furnished a bill of sale for each abandoned vehicle sold by the public agency upon paying the fee for a bill of sale under IC 9-29-7. A person who purchases a vehicle under section 23 of this chapter must:

- (1) present evidence from a law enforcement agency that the vehicle purchased is roadworthy, if applicable; and
 - (2) pay the appropriate title fee under IC 9-29-4;
- to obtain a certificate of title under IC 9-17 for the vehicle.
As added by P.L.2-1991, SEC.10. Amended by P.L.66-1992, SEC.7; P.L.191-2007, SEC.16.

IC 9-22-1-25

Payment of removal, storage, and disposition costs; cost limits

Sec. 25. The costs for removal and storage of an abandoned vehicle or parts not claimed by the person who owns or holds a lien on a vehicle shall be paid from the abandoned vehicle account established under section 30 of this chapter. The charge payable by the person who owns or holds a lien on a vehicle for towing, storing, or removing an abandoned vehicle or parts may not exceed the limits established by ordinance adopted under section 30 of this chapter.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-26

Sale proceeds credited against removal, storage, and disposition costs

Sec. 26. The proceeds of sale of an abandoned vehicle or parts under section 23 of this chapter shall be credited against the costs of the removal, storage, and disposal of the vehicle.

As added by P.L.2-1991, SEC.10. Amended by P.L.191-2007, SEC.17.

IC 9-22-1-27

Sales by city, county, or town; deposit of proceeds; payment of public agency costs; appropriations

Sec. 27. (a) This section applies to sales of abandoned vehicles or parts by a city, county, or town.

(b) The proceeds from the sale of abandoned vehicles or parts, including:

- (1) charges for bills of sale; and
 - (2) money received from persons who own or hold liens on vehicles for the cost of removal or storage of vehicles;
- shall be deposited in the city's, county's, or town's abandoned vehicle fund by the fiscal officer of the city, county, or town.

(c) The costs incurred by a public agency in administering this chapter shall be paid from the abandoned vehicle fund.

(d) The fiscal body shall annually appropriate sufficient money to the fund to carry out this chapter. Money remaining in the fund at the end of a year remains in the fund and does not revert to the general

fund.

(e) Notwithstanding subsection (d), the fiscal body of a consolidated city may transfer money from the fund.

As added by P.L.2-1991, SEC.10. Amended by P.L.85-1995, SEC.39; P.L.191-2007, SEC.18.

IC 9-22-1-28

Repealed

(Repealed by P.L.191-2007, SEC.21.)

IC 9-22-1-29

Repealed

(Repealed by P.L.191-2007, SEC.21.)

IC 9-22-1-30

Fiscal body procedures established by ordinance; abandoned vehicle fund

Sec. 30. (a) The fiscal body shall, by ordinance, establish procedures to carry out this chapter, including the following:

- (1) The charges allowed for towing and storage of abandoned vehicles, which shall be filed with the bureau.
- (2) The means of disposition of vehicles.

(b) The fiscal body shall establish an abandoned vehicle fund for the purposes of this chapter.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-31

Public agencies; personnel, property, and towing contracts; fiscal body ordinances

Sec. 31. To facilitate the removal of abandoned vehicles or parts, a public agency may:

- (1) employ personnel;
- (2) acquire equipment, property, and facilities; and
- (3) enter into towing contracts;

for the removal, storage, and disposition of abandoned vehicles and parts. The fiscal body may, by ordinance, establish procedures to carry out this section.

As added by P.L.2-1991, SEC.10.

IC 9-22-1-32

Liability for loss or damage to vehicle or vehicle parts

Sec. 32. The following are not liable for loss or damage to a vehicle or parts occurring during the removal or storage of a vehicle or parts under this chapter:

- (1) A person who owns, leases, or occupies property from which an abandoned vehicle or its contents or parts are removed.
- (2) A public agency.
- (3) A towing service.
- (4) An automobile scrapyards.
- (5) A storage yard.

(6) An agent of a person or entity listed in subdivisions (1) through (5).

As added by P.L.2-1991, SEC.10. Amended by P.L.104-2005, SEC.8; P.L.54-2009, SEC.9.